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PTO/SB/21 (09-04)

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Total Number of Pages in This Submission

6

Application Number

~~40/776,656~~ 10/766,455

Filing Date

February 10, 2005

First Named Inventor

Robert L. Diaz

Art Unit

1614

Examiner Name

Attorney Docket Number

2385.010

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	McHale & Slavin P.A.		
Signature			
Printed name	Michael A. Slavin		
Date	March 14, 2006	Reg. No.	34,016

CERTIFICATE OF TRANSMISSION/MAILING

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Typed or printed name	Regina A. Pruitt	Date	March 14, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICANT : ROBERT L. DIAZ

INVENTION: : INTRA-OPERATIVE PROCEDURE FOR POST-
OPERATIVE PAIN CONTROL

SERIAL NUMBER : ~~10/776,655~~ 10/776,455

FILING DATE : FEBRUARY 10, 2005

EXAMINER: : (not assigned yet)

GROUP ART UNIT : 1614

ATTORNEY DOCKET NO. : 2385.010

CERTIFICATE UNDER 37 CFR §1.8(a)

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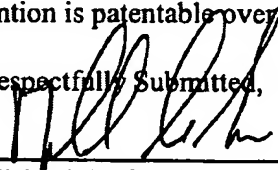
Sir:

Pursuant to the Duty to Disclose under 37 CFR §1.56, the references cited on the accompanying form PTO/SB/08A are hereby brought to the attention of the Examiner for independent evaluation. Pursuant to the Official Gazette Notice dated August 5, 2003, Applicants are not required to submit copies of these references. The references were cited in the specification and their relevancy is set forth therein.

Applicants submit that the present invention is patentable over these references.

Respectfully Submitted,

Date: March 14, 2006



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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number	10/770,666 10/776,463
Filing Date	February 10, 2005
First Named Inventor	Robert L. Diaz
Art Unit	1614
Examiner Name	
Attorney Docket Number	2385.010

Sheet	1	of	4
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U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	† ⁶
		Country Code ² *Number ⁴ *Kind Code ³ (if known)	MM-DD-YYYY			
		EP 00754064 B1	05-28-2003	Atrix Laboratories, Inc.		

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Complete if Known

Sheet 2 of 4	Application Number	10/776,455
	Filing Date	February 10, 2004
	First Named Inventor	Robert L. Diaz
	Art Unit	1614
	Examiner Name	
	Attorney Docket Number	2385.010

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		ADAMS, et al., European Journal of Anaesthesiology, 19:658-665 2002, England	
		BOGOCH, et al., Journal of Arthroplasty, 17:398-401 2002, United States	
		CAMU, et al., American Journal Therapy pages 43-51, 2002, United States	
		CAZENEUVE, et al., Rev Chir Orthop Reparatrice Appar Mot 82:705-708 1996, France	
		CHELLY, et al., Journal of Arthroplasty 16:436-445 2001, United States	
		CHRISTENSON, Clinical Biochemistry, Biochemical Markers of Bone Metabolism: An Overview, 30:573-593 1997, Baltimore, MD United States	
		COLWELL, et al., J Bone Joint Surg Am 77:726-733 1995, United States	
		EGGERS, et al., British Journal of Analgesia 83 (6):876-881 1999	
		GEHLING, et al., Anaesthesist 52:204-209 2003, Germany	
		HORLOCKER, et al., Reg Anesthesia Pain Med 27:105-108 2002, United States	

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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE
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Sheet 3 of 4	Application Number	10/776,455
	Filing Date	February 10, 2004
	First Named Inventor	Robert L. Diaz
	Art Unit	1614
	Examiner Name	
	Attorney Docket Number	2385.010

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		KAMPE, et al., Anaesthesia 56(12):1189-1193 2001, England	
		KOPACZ, et al., Anesth Analg 89:1497-1503 1999, United States	
		MALLORY, et al., Journal of Arthroplasty 17:4 (Supp 1): 129-133 2002, United States	
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		MAUERHAN, et al., Journal of Arthroplasty 12:546-552 1997, United States	
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		MOOTE, C. Drugs 44 Suppl 5:14-30 1992, New Zealand	
		PICO, et al., Canadian Journal of Anesthesiology 47:309-314 2000, Canada	
		RASMUSSEN, et al., American Journal of Orthopaedics 31:336-343 2002, United States	
		SERPELL, et al., British Journal of Anesthesiology 63:354-356 1989, England	

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Sheet	4	of	4	Application Number	10/776,455
				Filing Date	February 10, 2004
				First Named Inventor	Robert L. Diaz
				Art Unit	1614
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				Attorney Docket Number	2385.010

NON PATENT LITERATURE DOCUMENTS

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		SINGELYN, et al., Anesthesia and Analgesia 92(2):455-459 2001	
		STRIEBEL, et al., Anesthesiol Intensivmed Notfallmed Schmerzther 28:168-173 1993, Germany	
		VERBEECK, et al., Anesthesiology Abstracts of Scientific Papers Annual meeting, abstract number A-965 2001	
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		WONG, et al., Canadian Journal of Anesthesia 44:31-37 1997, Canada	
		WULF, et al., Anesth Analg 89:11-116 1999, United States	

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